UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YUDELKA MARIN,   :
                                            :
                          Plaintiff,   :   Case No.: 16-cv-00737 (AMD) (VMS)
                                            :
             v.   :
                                            :
COMENITY BANK, LLC   :
                                            :
                          Defendants.   :
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NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon the Amended Complaint (Doc. No. 8), the Answer to Amended Complaint (Doc. No. 13), the Declaration of Mitra Paul Singh in Support of Defendant's Motion for Partial Summary, dated September 29, 2016, with the exhibits annexed thereto (the "Singh Decl."), the Declaration of Phil Cooper in Support of Defendant's Motion for Partial Summary Judgment, dated September 29, 2016, with the exhibit annexed thereto (the "Cooper Decl."), the accompanying Memorandum of Law in Support of Defendant's Motion for Partial Summary Judgment, and upon all prior pleadings, orders and proceedings had herein, defendant Comenity Bank, LLC, more properly identified as Comenity Bank ("Comenity" or "Defendant") hereby moves this Court, before the Honorable Ann M. Donnelly, United States District Judge, at the United States District Court for the Eastern District of New York, at the courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201, for an order pursuant to Fed. R. Civ. P. 56(a) awarding partial summary judgment in favor of Defendant on the ground that there is no triable issue of fact with respect to plaintiff Yudelka Marin's ("Plaintiff") release of her claims pursuant to the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*

("TCPA") against Defendant for those claims relating to calls occurring between August 1, 2010
to May 26, 2014.

     PLEASE TAKE FURTHER NOTICE that, pursuant to the Pre-Motion Conference
held on August 29, 2016, Plaintiff's opposition is due by October 31, 2016 and Defendant's.
Reply is due by November 14, 2016.

Dated: September 29, 2016
       New York, NY

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